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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/799,095	03/12/2004	Myron J. Maurer	1062-033	7574	
25215	7590 01/14/2005		EXAM	INER	
DOBRUSIN & THENNISCH PC			TORRES, MELANIE		
29 W LAWRENCE ST SUITE 210		ART UNIT	PAPER NUMBER		
PONTIAC, N	MI 48342		3683	<u> </u>	
			DATE MAILED: 01/14/200	DATE MAILED: 01/14/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Der	Application No.	Applicant(s)			
<u> </u>	10/799,095	MAURER ET AL.			
Office Action Summary	Examiner	Art Unit			
	Melanie Torres	3683			
The MAILING DATE of this communication a	ppears on the cover sheet with	the correspondence address			
A SHORTENED STATUTORY PERIOD FOR REP THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR of after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a recommendation of the period for reply is specified above, the maximum statutory perions failure to reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the main earned patent term adjustment. See 37 CFR 1.704(b).	N. 1.136(a). In no event, however, may a reply within the statutory minimum of thirty (od will apply and will expire SIX (6) MONTHUE, cause the application to become ABAN	ly be timely filed 30) days will be considered timely. IS from the mailing date of this communication. NDONED (35 U.S.C. § 133).			
Status					
<u> </u>					
2a) This action is FINAL . 2b) ✓ The since this application is in condition for allow closed in accordance with the practice under	·	•			
Disposition of Claims	• • •				
4) ☐ Claim(s) 1-33 is/are pending in the application 4a) Of the above claim(s) is/are withdrest is/are allowed. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-33 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and	rawn from consideration.				
Application Papers					
9)☐ The specification is objected to by the Examination 10)☒ The drawing(s) filed on 12 March 2004 is/are Applicant may not request that any objection to the Replacement drawing sheet(s) including the correction. 11)☐ The oath or declaration is objected to by the	e: a) accepted or b) object the drawing(s) be held in abeyance ection is required if the drawing(s	e. See 37 CFR 1.85(a).) is objected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the prapplication from the International Bure * See the attached detailed Office action for a line	ents have been received. ents have been received in Appriority documents have been reeau (PCT Rule 17.2(a)).	plication No eceived in this National Stage			
Amarkarantak					
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Sui	mmary (PTO-413)			
 Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0 Paper No(s)/Mail Date 9/22/04. 	Paper No(s)/	Mail Date brmal Patent Application (PTO-152) .			

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-7,13-15, and 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5, 6, 13, 14, 19 and 20 contain the limitation "and combinations thereof."

This limitation is considered indefinite since it does not clearly define the metes and bounds of the claim.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brockenbrough et al.

Re claims 1-16, 18-22, and 29-33 Brockenbrough et al. discloses an article of manufacture, comprising: an energy absorber (14, 16) comprising a first layer having a first plurality of corrugations, wherein the length of the corrugation is longer than its widest cross-sectional width. However, Brockenbrough does not teach wherein the

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energy absorber is made of extruded plastic. Weylgan et al. teaches a corrugated energy absorber made of extruded plastic. (Figure 7, Column 10, lines 28-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used plastic in the invention of Brockenbrough et al. in order to provide a less-expensive, lightweight material in the article of Brockenbrough et al.

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Re claims 17, 23, 24-28, Brockenbrough et al. does not teach wherein the first and second layers differ in composition. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the first and second layers of different composition since applicant has not disclosed that having different compositions solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a variety of different compositions such as metal or plastic.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hull, Smith et al., Hepford et al., Bannister, Warner, Heerklotz and Mattson teach energy absorbers.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (703)305-0293. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703)308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Milaxie Sorris

January 10, 2005